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Attorney for Plaintiffs JOHN DOE
individually, and RICHARD ROE on behalf
of Minor A, Minor B, and Minor C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

JOHN DOE individually, and RICHARD
ROE on behalf of Minor A, Minor B, and
Minor C;

Plaintiffs,

v.

BUTTE COUNTY PROBATION
DEPARTMENT, ROXANNE LARA,
DAWN HOROWITZ-PERSON

Defendants.

Case No.

**DECLARATION OF JOHN DOE IN
SUPPORT OF MOTION TO PROCEED
UNDER PSEUDONYM AND REDACT OR
SEAL IDENTIFYING DOCUMENTS**

John Doe declares as follows:

1. I am using the pseudonym of "John Doe" because I wish to remain anonymous and I do not want to draw attention to myself.
2. I was recently released from the California Department of Corrections and Rehabilitation (CDCR) after serving a full prison sentence.
3. Minors A, B, and C are my three minor-aged children. I share these children with my wife, the children's biological mother. I have never been estranged from my wife or from my children. Even while incarcerated, the five of us remained a close, loving, supportive family who all spoke daily by phone and my family visited me in person as often as possible.

1 4. As a consequence of the offense for which I was convicted, possession of child
2 pornography, I am required to register as a sex offender in the State of California.

3 5. I was released from CDCR on Post-Release Community Supervision (PRCS), not parole,
4 because I was determined to not be a high-risk sex offender.

5 6. I am currently involved in a direct criminal appeal of my conviction.

6 7. Within hours of my arrest, many years ago, my home address was revealed to the public
7 and media swarmed my doorstep. Reporters banged on the door, peaked in windows, and camped
8 out on the lawn for a number of days while my wife, my three children, and myself hid inside
9 terrified.

10 8. Over the next few years my family and I suffered a great deal of direct harassment including
11 unsolicited mail addressed to "Pee Wee Herman" that is still continuing to arrive to this day, my
12 truck was "keyed" (scratched down the length of one side with something sharp like a key), my
13 wife's vehicle was "keyed", our tires were twice slashed on my court appearance days, we received
14 countless harassing phone calls and emails, my wife's business received harassing phone calls and
15 emails specifically related to me, and there were hundreds of online hate comments that included a
16 few death threats, with one commenter soliciting others who might want to join him in heading up
17 to "take care" of me. Other online commenters questioned what I would think if a similar crime
18 were to happen to my own children. Most online comments were focused on my direct route to
19 "burning in hell" and reassuring other readers that I would "get [mine] from bubba" in prison. As
20 a result, I have a credible fear of harassment stemming from my status as a sex offender.

21 9. However, in bringing this lawsuit, I am not just fearful of a fresh round of my sex offender
22 status being broadcast with potential publicity. I am not seeking to conceal that fact that I was
23 convicted for a sex offense. For instance, I am already proceeding with my direct criminal appeal
24 in my own true name. With this particular lawsuit, I am more fearful of retaliation stemming from
25 the fact that I, as a registered sex offender, am challenging the constitutionality of PRCS conditions
26 applied to me by Butte County. Further, I am also seeking judicial declarations that clarify the
27 limited scope of authority afforded to county agencies supervising PRCS participants under state
28

1 law. These holdings could have broad impact, which therefore makes me fearful of retaliation from
2 those who prefer a more punitive and less rehabilitative criminal justice system.


3 10. I have watched a great deal of news the last few months and have seen countless videos of
4 protests, riots, violence, and extreme property damage occurring with emotions running high over
5 criminal justice issues. People seem to be at a breaking point of volatility, and I am afraid of what
6 will happen to me or my family if someone takes issue with the positions I am asserting as a
7 registered sex offender. For example, I have heard of various legislators being harassed and
8 receiving death threats for supporting criminal justice reform, especially if it relates to sex
9 offenders. This makes me fearful to participate in this suit.

10 11. However, my greatest concern is fear for my children. If my mere arrest was enough for
11 online commenters to subtly threaten my children by asking questions that wonder how I would
12 feel if it happened to own kids, how much greater will the risk become when I now have the audacity
13 to assert my constitutional right to live in my own home with my own children?

14 12. Therefore, if I am denied the right to proceed under pseudonym, I will be forced to drop the
15 suit to protect myself and my family and the important merits of this case will go unaddressed. This
16 result would be a disservice to the public and a travesty for me and my family.

17 13. On November 9, 2020, I informed my PRCS Officer, Deputy Probation Officer Roxanne
18 Lara, that I had filed this lawsuit so she wouldn't be blindsided and so she would know my true
19 identity when the suit hit her desk.

20
21 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge
22 and belief. Executed on this day, November 10, 2020.

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24 
25 John Doe
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